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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,177	12/12/2000	David McCray Peele	628-318CT	7421
20792	7590	07/01/2003		
MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			EXAMINER WALLS, DIONNE A	
			ART UNIT 1731	PAPER NUMBER 15
			DATE MAILED: 07/01/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Rule 312 Communication	Application No.	Applicant(s)	
	09/735,177	PEELE, DAVID MCCRAY	
	Examiner	Art Unit	
	Dionne A. Walls	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. The amendment filed on 05 June 2003 under 37 CFR 1.312 has been considered, and has been:

- a) entered.
- b) entered as directed to matters of form not affecting the scope of the invention.
- c) disapproved because the amendment was filed after the payment of the issue fee.
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
- d) disapproved. See explanation below.
- e) entered in part. See explanation below.

Applicant has presented an Amendment to the claims that appear to affect the scope of said claims. Contrary to Applicant's contention, the amendment was NOT previously agreed to by the Examiner. Further, such Amendment is not accompanied by the required showing of (a) why the Amendment is needed, (b) why the proposed amended claims require no additional search or examination, (c) why the claims are patentable; and (d) why they were not presented earlier. This showing is required by 37 CFR 1.111(c) - which is further explained in MPEP 714.16. Therefore, the Amendment is disapproved and will, therefore, not be entered.

Information Disclosure Statement

1. The information disclosure statement filed on June 5th, 2003 fails to comply with the provisions of 37 CFR 1.97(e) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e).

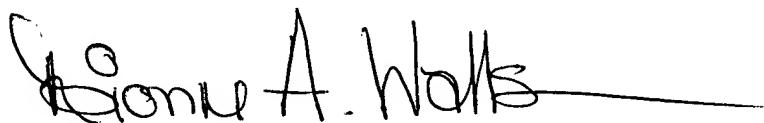
See MPEP § 609 ¶ C(1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne A. Walls whose telephone number is (703) 305-0933. The examiner can normally be reached on Mon-Fri, 7AM - 4:30PM (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on (703) 308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Art Unit: 1731

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.



Dionne A. Walls

June 25, 2003